

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOEL TAVERA, et al.,	:	
	:	
Plaintiffs,	:	
	:	18-cv-07312-LDH-SJB
v.	:	("Tavera")
	:	
HSBC BANK USA, N.A., et al.,	:	
	:	
Defendants.	:	
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STIPULATION AND [PROPOSED] ORDER

Plaintiffs, the Stipulating Defendants,¹ and Defendant Crédit Agricole S.A. ("CASA"), through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS a Complaint against certain of the Stipulating Defendants in matter 14 Civ. 06601 (PKC-CLP) ("*Freeman I*") was filed on November 10, 2014, an Amended Complaint was filed on April 2, 2015, *Freeman I* ECF No. 77, and a Second Amended Complaint was filed on July 12, 2016, *Freeman I* ECF No. 110;

WHEREAS the Court entered an order staying discovery in *Freeman I* on January 16, 2015, *Freeman I* ECF No. 37;

¹ The Stipulating Defendants are HSBC Bank USA, N.A.; HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC North America Holdings, Inc.; Barclays Bank PLC; Barclays Bank PLC, New York Branch; Standard Chartered Bank; Standard Chartered Bank, New York Branch; The Royal Bank of Scotland N.V.; The Royal Bank of Scotland plc; The Royal Bank of Scotland plc, New York Branch; Credit Suisse AG; Credit Suisse AG, New York Branch; BNP Paribas S.A.; BNP Paribas S.A., New York Branch; Deutsche Bank AG; Deutsche Bank AG, New York Branch; Crédit Agricole Corporate & Investment Bank; Crédit Agricole Corporate & Investment Bank, New York Branch; Commerzbank AG; Commerzbank AG, New York Branch.

WHEREAS the Stipulating Defendants named in the Second Amended Complaint in *Freeman I* filed a motion to dismiss on November 10, 2016, *Freeman I* ECF No. 120;

WHEREAS Plaintiffs filed a Complaint against the Stipulating Defendants and Defendant CASA in the above-captioned matter (“*Tavera*”) on December 21, 2018;

WHEREAS the parties in this action entered into a stipulation, which provided that (1) all proceedings in *Tavera* with respect to the Stipulating Defendants and Defendant CASA, including service of the Complaint, should be stayed until 30 days after the Court’s decision on the motion to dismiss in *Freeman I*; (2) upon termination of the stay, service on the Stipulating Defendants with judicial process in *Tavera* in the manner provided by Federal Rule of Civil Procedure 4 will not be required; (3) the Stipulating Defendants otherwise retain all defenses and objections in *Tavera* except those related to service; and (4) the parties would confer in good faith regarding the most fair and efficient way to proceed following the Court’s decision on the motion to dismiss in *Freeman I*;

WHEREAS the Court granted the motion to dismiss the *Freeman I* Second Amended Complaint on September 16, 2019, *Freeman I* ECF No. 237;

WHEREAS Plaintiffs filed a motion for partial reconsideration on September 26, 2019, *Freeman I* ECF No. 239;

WHEREAS the Stipulating Defendants, Defendant CASA, and Plaintiffs entered into a stipulation which provided that the stay should be continued pending the Court’s decision on Plaintiffs’ motion for partial reconsideration in *Freeman I*;

WHEREAS the Court denied the motion for partial reconsideration in *Freeman I* on October 28, 2019;

WHEREAS the Stipulating Defendants, Defendant CASA, and Plaintiffs have conferred, and agree that the stay should be continued pending the resolution of any appeal of the judgment

in *Freeman I*.

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The Stipulating Defendants' and Defendant CASA's time to move or answer in response to the *Tavera* Complaint or any *Tavera* amended complaint, and all further proceedings in *Tavera* related to the Stipulating Defendants and Defendant CASA, will be stayed until 30 days after the decision of any appeal filed in *Freeman I*.

2. Following a decision of an appeal in *Freeman I*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that, except as provided above, nothing in this Stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: November 21, 2019

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Attorneys for the Tavera Plaintiffs

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The Stipulating Defendants' and Defendant CASA's time to move or answer in response to the *Tavera* Complaint or any *Tavera* amended complaint, and all further proceedings in *Tavera* related to the Stipulating Defendants and Defendant CASA, will be stayed until 30 days after the decision of any appeal filed in *Freeman I*.

2. Following a decision of an appeal in *Freeman I*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that, except as provided above, nothing in this Stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: November ____, 2019

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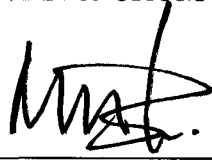
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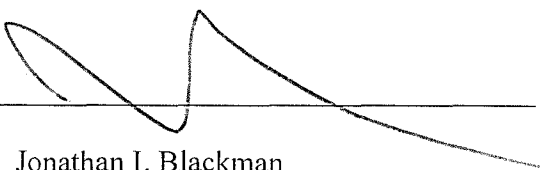
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IT IS SO ORDERED, this 06 day of December, 2019:

/s/ Sanket J. Bulsara 12/06/2019

Sanket J. Bulsara
United States Magistrate Judge